

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Alkis Nakos

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No: 1:14-cr-00093-LM

MOTION FOR SERVICES OTHER THAN COUNSEL:
PRIVATE INVESTIGATOR

NOW COMES the Defendant, Alkis Nakos, by and through his counsel, Robert S. Carey, Orr & Reno, P.A., and moves this Court to issue an order authorizing an expenditure of government funds in the amount of \$3,500.00 to retain the services of a private investigator for the following reasons:

1. Mr. Nakos is charged with continuing criminal enterprise and conspiracy to distribute drugs. The main charge carries a minimum 20 year sentence.
2. According to the criminal complaint, the charges are based on an investigation that began in 2008 with the traffic stop of a pickup in Oklahoma. During the intervening years leading to Mr. Nakos's arrest in 2014, the Government has expended substantial resources conducting surveillance, intercepting telephone calls, working with informants, and obtaining documents. The Government's investigation encompassed multiple jurisdictions.
3. Counsel seeks to hire an investigator to interview witnesses, obtain records and follow up on aspects of the Government's evidence against Mr. Nakos. Counsel seeks to

hire Tom Nickels of Nickels Investigations, LLC, 740 Chestnut Street, Manchester. Mr. Nickels's hourly rate is \$85. Mr. Nickels is a former police officer and deputy sheriff. He has been assigned to work on other Federal Criminal cases with other attorneys.

4. The request for \$3,500 for a private investigator is reasonable. As noted above, the Government's investigation has been extensive. By comparison, Mr. Mr. Nickels's hourly rate translates to roughly 41 hours of time.

5. Mr. Nakos cannot afford to hire a private investigator. His assets have been seized in forfeiture action filed by the Government.

6. Under 18 U.S.C. § 3006A(e)(1), the Court may approve funds for an expert, such as an investigator.

7. In addition, due process and the right to effective assistance of counsel require that an indigent defendant be provided with funding for services other than counsel.¹ Equal protection also requires that an indigent defendant be provided with the tools for an adequate defense or appeal, when these tools are available for a price to other defendants.²

WHEREFORE, Mr. Nakos respectfully requests the Court to issue an order, providing that:

A. He is authorized to expend funds in the amount of \$3,500.00 to hire private investigator Tom Nickels; and,

B. Grant such other and further relief as is just and equitable.

¹ See *Ake v. Oklahoma*, 470 U.S. 68, 78-79 (1985).

² See *Britt v. North Carolina*, 404 U.S. 226, 235 (1971).

Respectfully submitted,

ALKIS NAKOS

By his Attorneys,

Dated: October 30, 2014

/s/ Robert S. Carey
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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2014, a copy of the within Motion was Electronically Served upon all counsel of record and Conventionally upon Alkis Nakos.

/s/ Robert S. Carey
Robert S. Carey, NH Bar #11815

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